

Chapter 6. Consultation and Coordination

AN issue is a particular concern regarding the environmental effects of a proposed project. The regulations governing EISs require that lead agencies determine “the significant issues to be analyzed in depth in the environmental impact statement” and to “identify and eliminate from detailed study the issues that are not significant” (40 CFR 1501.7). This process of identifying significant issues is called *scoping*. The overall purpose of scoping is to focus the environmental review on those issues that are relevant to the proposal and decision to be made.

6.1 INITIAL SCOPING

Chapter 2 discusses how issues were used to develop alternatives. The FHWA held public meetings in 1998 to identify issues on a proposal to rehabilitate Segment 4. The rehabilitation project would have rehabilitated the existing road structure, paved existing pullouts, and provided for minor roadside safety improvements such as signing, striping, and improving guardrails.

In late 1998, Congress identified the Beartooth Highway as a High Priority Project and authorized

the complete reconstruction of Segment 4. The FHWA held four public scoping meetings in September 1998 to provide information about the proposed reconstruction project and solicit public issues and concerns. The FHWA held these meetings in Cody, Wyoming; Billings, Cooke City, and Red Lodge, Montana. A public meeting in Cody, Wyoming; and Red Lodge, Montana also was held in October 2000 to discuss proposed alternatives. Before both meetings, the FHWA sent a notice to individuals, organizations, and agencies announcing the public scoping meetings. In addition, public notices were placed in the news sections of the *Billings Gazette*, *Carbon County News*, and *Cody Enterprise*. A newsletter was distributed in 2000 that discussed the purpose and need for the project, identified environmental issues, and provided notice of the public meeting on alternatives. The FHWA met with the Park County, Wyoming Commissioners and the Carbon County, Montana Commissioners in October 2000 to discuss the proposed project and alternatives.

6.2 INTERAGENCY COORDINATION

The FHWA held several meetings with the SEE team and cooperating agencies to solicit their issues and concerns about the proposed project. The FHWA held a meeting in May 1998 to discuss a proposed rehabilitation project. After Congress identified the Beartooth Highway as a High Priority Project, the FHWA held a meeting with the SEE team and cooperating agencies in September 1998 to discuss the proposed reconstruction project. The FHWA published a notice of intent to prepare an EIS in the Federal Register in September 1998 (FHWA 1998c; in Appendix D).

After the September 1998 meeting, the SEE team and cooperating agencies reviewed the road corridor in the field. Many of the environmental studies were completed by September 1999. The FHWA contacted several Native American tribes in 1998 and 1999 to solicit their concerns about Traditional Cultural Properties. Tribes and groups notified were the Medicine Wheel Coalition for Sacred Sites in North America, Crow, Northern Arapaho, Confederated Tribes of the Umatilla, Northern Cheyenne, Shoshone-Bannock, and Eastern Shoshone. Government-to-government consultation with the tribes is continuing.

A SEE team meeting also was held in September 1999. The SEE team reviewed possible realignments and the Corps and the SNF reviewed the wetland delineation. In May and August 2000 and July 2001, the SEE team met to review the alternative plans and preliminary designs. The SEE team and cooperating agencies reviewed two preliminary Draft EISs. The FHWA also met with the EPA and the Corps to discuss the preliminary Draft EIS, wetland mitigation, and timing and coordination of the 404 permit application.

The Draft EIS was issued for a 45-day public comment period on June 13, 2002. The FHWA

issued a Notice of Availability of the Draft EIS for the project (FHWA 2002). The FHWA also held public hearings on the Draft EIS in July 2002 in Cody, Wyoming, Cooke City, Montana, and Red Lodge, Montana. In total, 2,137 comments were identified from 351 letters, comment sheets, and transcripts. Appendix A contains comments and responses to them.

In 2001 and 2002, the FHWA met with the Wyoming SHPO to discuss potential effects on the historic four bridges and the road. Alternatives to adversely affecting the resources and possible mitigation were discussed. The FHWA, the SNF, the NPS, and the SHPO, along with the participation of interested Native American tribes, are in the process of developing a Memorandum of Agreement for mitigation of adverse effects to historic resources. The FHWA met with the SHPO after the Draft EIS was issued to discuss the Memorandum of Agreement for mitigation of cultural resource impacts. The Memorandum of Agreement is being finalized.

In November 2002, the NPS and the EPA expressed concerns about the Preferred Alternative. The FHWA, the NPS, and the SNF met in December 2002 and again in February 2003 to discuss and clarify the NPS concerns. Following the February 2003 meeting, the NPS submitted a letter clarifying its position and concerns about the Preferred Alternative. In its February 14, 2003 letter, the NPS stated 1) it wanted the WYDOT to ultimately accept maintenance responsibility for the highway, and 2) accepted the preferred alternative subject to a number of conditions along the upper 16 km (10 mi.) of the project. The FHWA and the NPS met in March 2003 to discuss how the NPS' specific conditions will be met and discussed in the Final EIS. Following the March 2003 meeting, the NPS provided the FHWA with a

April 4, 2003 letter indicating that its concerns had been adequately addressed. (Appendix D).

The FHWA held two interagency meetings in April 2003 with the SNF, the EPA, the COE, and the FWS to discuss EPA's concerns about the project. At the two April meetings, the wetland, vegetation, and aquatic resources along the road corridor were discussed. The purpose and need for the project was clarified, and the practicable alternatives to fulfilling the purpose and need were discussed. The meetings focused on the upper 16-km (10 mi.) of the project. Another interagency meeting was

held in June 2003 to discuss the lower sections of the project.

A preliminary FEIS was distributed for interagency review and a SEE team meeting was held in July 2003 to discuss the preliminary Final EIS.

In June 2003, the FHWA submitted a Biological Assessment to the USFWS and a Biological Evaluation in August 2003 to the SNF. The FHWA anticipates the USFWS will issue a Biological Opinion before the Record of Decision is issued.